

REMARKS

The examiner has objected to claim 4 on the ground that the limitations are unclear for grammatical reasons. This rejection is not completely understood, but it is believed that the amendment to line 6 thereof overcomes this rejection. If such is not the case, clarification of this objection is respectfully requested.

Claims 1-5 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,805,597 to Edem, hereinafter Edem. This rejection is not thought to be well taken with respect to claims 1, 2, 4 (as amended) and 5. (It should be noted that claim 1 has been amended to incorporate the subject matter of claim 3, in slightly modified form, and thus claim 3 has been cancelled.)

Before discussing the claims and Edem in detail, it is believed that it would be helpful to review the overall teaching of the present application as distinguished from Edem. Edem teaches a low power mode using the IEEE 802 link pulses -- which are normally used for the 10baseT Ethernet keep alive functions and for 10/100 Mb/s Ethernet auto speed negotiation. He uses these slow link pulses by alternating the polarity properly to send very low speed data. This is the real basis for his invention. As such, it is very different from what Applicants propose. First, Edem discusses a low power and normal mode only, and the low power mode uses the aforementioned link pulses.

Applicants teach the means of determining and controlling the activation of low power features, which is a broader concept than using the link pulses for low power data. Applicants also teach meeting a criteria for powering down certain functions (or not), which provides a multi-layered low power mode capability.

In addition, Applicants teach the following:

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- 1) A set of criteria or conditions being met before the system is allowed (eligible) to switch to any of the low power modes. Such conditions include any or all of (1) night hours, (2) lack of system usage for some block of time, and (3) an operator or operating system signal.
- 2) Applicants can signal entry into low power modes via detection of a special data pattern (and any or all of 1) above.
- 3) Upon meeting the criteria, Applicants can enter into a variety of power modes (the main power saving being when the upper layers are in a quiescent mode).
- 4) Applicants can power down at least the following:
 - a) portions of the PHY
 - b) the media access control
 - c) the logical link control
 - d) the local area network upper layers
- 5) Applicants selectively power down all or portions of the above under selective intelligence control so that a multi-layered power saving approach is provided.

With the above in mind, amended claims 1 and 4, original claims 2 and 5 and new claims 6-8 are clearly allowable over Edem. First, Edem is absolutely silent about *eligibility* of the system to go into a lower power mode. The location cited by the examiner at column 13, lines 11-25, is silent as to *eligibility* to enter a lower power mode. This section deals only with *capability*, not *eligibility*. Claim 1, as amended, and upon which claims 2 and 6 depend, claim 4, upon which claim 7 depends, and claim 5, upon which claim 8 depends, all require not only a determination of the *capability* to enter a lower power mode, but also the *eligibility* to enter a lower power mode. This is not taught nor suggested by Edem. (This does not constitute new matter since it is discussed on page 1, line 14, and page 8, lines 16-18.)

Prior art is anticipatory only if every element of the claimed invention is disclosed in a single item of prior art in the form literally defined in the claim. Jamesbury Corp. v. Litton Indus. Products, 756 F.2d 1556, 225 USPQ 253 (Fed. Cir. 1985); Atlas Powder Co. v. du Pont, 750 F.2d 1569, 224 USPQ 409 (Fed. Cir. 1984); American Hospital Supply v. Travenol Labs, 745 F.2d 1, 223 USPQ 577 (Fed. Cir. 1984). A possibility or probability that features of the prior art contained in the disclosure of the prior art is not enough to establish anticipation. The same characteristics must be a "natural result flowing" from what is disclosed. (Continental Can Co. v. Monsanto Co., 20 USPQ2d 1746, 1749 (Fed Cir. 1991). Thus, for this reason, all of the claims presently in the application are allowable.

Claims 6-9 are dependent upon claims 1, 4 and 5, respectively, and, for the same reasons, are believed to be allowable. Moreover, these claims all require selectively identifying and placing portions of a physical device in low power mode. This does not constitute new matter since it is described at page 3, lines 9-12, and also in claim 1. Edem does not teach or suggest the selectivity of components or mode to place the system in any one of a plurality of low power states. Rather, Edem shows only that the entire system is in the low power mode or the high power mode. Thus, for this additional reason, claims 6-8 are believed to be allowable.

Respectfully submitted,

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